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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,527	10/17/2005	Helmut Burklin	PF030041	1569
24498 Joseph J Laks 1392 Heller Drive Yardley, PA 19067-2714	7590 10/13/2009		<div>EXAMINER</div> <div>RUTKOWSKI, JEFFREY M</div>	
			<div>ART UNIT</div> <div>2473</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>10/13/2009</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/553,527

**Applicant(s)**

BURKLIN ET AL.

**Examiner**

JEFFREY M. RUTKOWSKI

**Art Unit**

2473

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 and 3-10 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 22 July 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

**Claim 2** has been cancelled.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/22/2009 has been entered.

#### ***Drawings***

2. The drawing (replacement sheet for figure 3) was received on 07/22/2009. This drawing is acceptable.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1 and 8-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Straub et al. (WO 02/33902), hereinafter referred to as Straub, in view of Zou (US Pat 6,160,796).
6. For **claim 1**, Straub discloses a wireless connection **3** of figure 1 and HiperLAN2 of figure 2 (a network interconnecting bridge heads, said network being referred to as a transparent bridge) that are used to interconnect WBox1 **4** and WBox2 **5** [figures 1 and 2]. Straub disclose a situation where bus resets (reset messages) are passed between the busses [page 4 line 30 to page 5 line29]. When several bus resets are received, by a bridge, in short intervals (series of reset messages) only the last reset message received before the grant of a transmission slot is selected for transmission to the other bus.
7. Straub does not disclose only transmitting a reset message when an alternation in the change of a number of nodes occurs. Zou discloses bus reset messages are sent when a device is inserted (up direction) or removed (down direction) [col. 12 lines 1-17]. In Zou's invention, the series of reset messages could include messages that reflect the addition of a new device and the removal of a different device from the bus [col. 2 lines 15-20]. In the situation where an alternation in the direction of change is reflected by a singular addition and removal (single device added and single device removed), it would have been obvious to a person of ordinary skill in the art to only transmit bus resets that caused an alternation in the change of direction in Straub's invention to conform to the IEEE 1394 standard [Zou, col. 2 lines 12-21].
8. For **claims 8 and 10**, Straub discloses the use of IEEE 1394 buses [figures 1 and 2].
9. For **claim 9**, Straub discloses a bridge WBox1 that has an interface connected to a bus and an interface connected to a HiperLAN network [figures 1 and 2]. Additionally, WBox1 contains a means for selective transmission of reset messages [page 5 lines 1-5].

10. Straub does not disclose only transmitting a reset message when an alternation in the change of a number of nodes occurs. Zou discloses bus reset messages are sent when a device is inserted (up direction) or removed (down direction) [col. 12 lines 1-17]. In Zou's invention, the series of reset messages could include messages that reflect the addition of a new device and the removal of a different device from the bus [col. 2 lines 15-20]. In the situation where an alternation in the direction of change is reflected by a singular addition and removal (single device added and single device removed), it would have been obvious to a person of ordinary skill in the art to only transmit bus resets that caused an alternation in the change of direction in Straub's invention to conform to the IEEE 1394 standard [Zou, col. 2 lines 12-21].

11. **Claims 4 and 6** rejected under 35 U.S.C. 103(a) as being unpatentable over Straub in view of Zou as applied to **claim 1** above, and further in view of Hattig (US Pat 6,466,549).

12. For **claim 4**, Straub discloses the use of bus resets in a network. However, Straub does not disclose the cause of a bus reset. Hattig discloses when devices are added and removed a bus automatically reconfigures itself (a given method for phase recognition) [col. 1 lines 25-28]. It would have been obvious to a person of ordinary skill in the art to automatically reconfigure a bus in Straub's invention to provide plug-and-play capabilities [Hattig, col. 1 line 23].

13. For **claim 6**, Straub does not disclose the simulating the disconnecting of an entire bus. Hattig discloses a solicit action, which is essentially the same as a reset message, may be invoked at the request of an application in need of new or refreshed discovery information [col. 5 lines 7-21]. Because the network devices are not actually disconnected when a new solicit action (bus reset) is performed Hattig suggests the simulating the disconnection of an entire bus. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use

Hattig's solicit action mechanism in Straub's invention to make sure topology information in a network does not become stale.

***Response to Arguments***

14. The arguments with respect to Zou not disclosing the selective transmission of reset messages are not persuasive because the arguments are based on piecemeal analysis. Straub discloses the selective of bus reset messages by disclosing that only the last reset is transmitted to the other bus when several resets occur over a short interval (see page 5 lines 1-6). Straub's method of only selecting the last received reset also reduces the number of bus resets transmitted between buses.

15. The arguments filed on 07/22/2009 have been fully considered but are not persuasive, for the reasons stated above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY M. RUTKOWSKI whose telephone number is (571)270-1215. The examiner can normally be reached on Monday - Friday 7:30-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey M Rutkowski/  
Examiner, Art Unit 2473

/KWANG B. YAO/  
Supervisory Patent Examiner, Art Unit 2473